

Expert Report of  
Donald R. Deere, Ph.D.

Welch Consulting  
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in the Matter of

Evdokia Nikolova,  
Plaintiff

v.

University of Texas at Austin,  
Defendant

Case No. 1:19-cv-00877-RP  
In the United States District Court  
Western District of Texas, Austin Division

May 24, 2021



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Donald R. Deere

### **Qualifications, Billing Information, and Information Considered**

I spent 24 years on the faculty in the Department of Economics at Texas A&M University, the last 17 with tenure. I retired from Texas A&M University in 2007. I also am a senior economist for Welch Consulting, a firm that provides expert services in economics and statistics to the legal community as well as general consulting in economics and statistics. I received training in economics and statistics at the Massachusetts Institute of Technology, where I earned a Ph.D. in Economics in 1983. I have taught at the University of California, Santa Barbara and Texas A&M University. My curriculum vitae, including a list of publications in the past 10 years, is attached as Appendix 1. A list of my trial and deposition expert testimony in the past four years is attached as Appendix 2. The documents that include the facts and data that I considered in forming my opinions are listed in Appendix 3. My billing rate for work on this case is \$300 per hour and hourly billing rates of other Welch Consulting employees who have worked on this case range between \$75 and \$250.

### **Assignment and Summary of Opinions**

I have been retained to respond to the Expert Report of Shane Thompson, Ph.D. dated April 19, 2021 and to the report of Thomas W. Glass, Ph.D., CPA dated April 19, 2021 in this matter. My opinions are that:

- There are numerous flaws in Dr. Thompson's statistical calculations that result in inapt or incorrect conclusions. These flaws include:
  - Failing to account for the fact that accelerated (early) tenure reviews depend at least in part on a request by the assistant professor and, thus, are not "treatment" by UT Austin;
  - Incorrectly identifying those assistant professors who were considered for accelerated tenure;
  - Inaptly comparing the supposed, and incorrectly identified, "disparity in opportunity" for accelerated tenure review with the fact that Dr. Nikolova *was* reviewed for accelerated tenure;

- Focusing on differences between the tenure decision and the votes by the Department and College committees instead of between the tenure decision and the tenure recommendations of the Department and College committees;
  - Failing to examine the relationship between tenure decisions and gender.
- As a result of these flaws, Dr. Thompson's opinions are neither valid nor reliable. Specifically,
  - Dr. Thompson identifies no evidence of "different treatment" towards female assistant professors with regard to accelerated tenure review;
  - Dr. Thompson identifies no evidence of "different impact" towards female assistant professors who take probationary extensions and are reviewed for accelerated tenure;
  - Dr. Thompson identifies no evidence that differences between tenure decisions and the Department or College Committees' tenure recommendations were related to gender.
- Based on my analysis of the available data, there is no statistical evidence that gender is related to tenure decisions in the Cockrell School of Engineering at UT Austin.
- There are numerous flaws in Dr. Glass' report that result in incorrect overstatements in his calculation of alleged damages. These flaws include:
  - In Scenario 1, including earnings losses to age 70, which is beyond Dr. Nikolova's estimated work life, using discount rates that are too low and not based on current market interest rates, and assuming that Dr. Nikolova's earnings never catch up;
  - In Scenario 2, assuming that Dr. Nikolova continues indefinitely in an untenured position at UT Austin despite this being counter to UT Austin policy<sup>1</sup>;
  - In Scenario 3, assuming that Dr. Nikolova has no earnings beyond August 31, 2023 despite admitting that this is "unlikely" [Glass Report, p. 2, fn 3];
  - Comparing, without foundation, Dr. Nikolova's compensation to that of the two highest-paid assistant professors in the ECE department for his calculation of Equal Pay Act damages;

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<sup>1</sup> Dr. Glass alternately indicates this untenured position is associate professor [Glass Report, p. 2] and assistant professor [Glass Report, p. 3 and Attachments 3(1), 3(2), and 3(3)]. In any event, UT Austin policy states that an assistant professor denied tenure during the sixth probationary year is to receive a terminal appointment for the next year. [UT Austin\_00737]

- Comparing Dr. Nikolova's compensation to the compensation of an associate professor for his calculation of Equal Pay Act damages.
- As a result of these flaws, Dr. Glass' calculations of alleged damages for the denied tenure claim and also for the Equal Pay Act claim are overstated and neither valid nor reliable.
- Adopting Dr. Glass' general approach, I calculate damages from the alleged discriminatory denial of tenure to be \$72,001 and for the alleged unequal pay to be \$13,155 for three years and \$7,414 for two years.

These opinions could change if new information about Dr. Nikolova's earnings or activities is made available. I also reserve the right to render additional opinions if Dr. Thompson or Dr. Glass provides any additional information, analysis, or opinions. In what follows, I provide details of each of the flaws listed above.

### **Dr. Thompson's Statistical Calculations**

Dr. Thompson provides three opinions: one is invalid and inapt, one is wrong, and one misses the point. I discuss the details of each.

#### Different Treatment by Gender: Early Tenure Reviews

Dr. Thompson concludes, "that male assistant professors are beneficiaries of different treatment in early tenure reviews." [Thompson Report, par. 18] It is my understanding that consideration for accelerated tenure is based at least in part on whether the assistant professor requests consideration.<sup>2</sup> Thus, Dr. Thompson's analysis conflates decisions by assistant professors with decisions by the Department Budget Committees and, therefore, cannot and does not provide useful information on the "treatment" of assistant professors. As a result, Dr. Thompson's conclusion about "different treatment in early tenure reviews" is invalid.

Even if Dr. Thompson's conclusion were correct, however, it is irrelevant to Dr. Nikolova's claims. She *was* considered for accelerated tenure. If anything, given Dr. Thompson's (invalid) conclusion, the fact that Dr. Nikolova was considered for accelerated tenure suggests that she

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<sup>2</sup> See Ahmed Tewfik Dep 77:4 – 78:5.

received the same “treatment” as did previous male assistant professors. In addition, as I detail in the next section, Dr. Thompson incorrectly identifies accelerated tenure reviews.

#### Different Impact by Gender: Early Tenure Reviews after Probationary Extensions

Dr. Thompson states, “From 2009 to 2018, there were only three assistant professor who had taken probationary extensions that went up early for tenure reviews. All three were male, and all three received promotions.” [Thompson Report, par. 19] Based on this, Dr. Thompson concludes that, “Dr. Nikolova’s promotion denial [is] peculiar.”<sup>3</sup> But, none of the three male assistant professors that Dr. Thompson identifies were considered for accelerated tenure review. Table 1 provides the relevant data for these three men as well as for Dr. Nikolova.

The three men all started their probationary service in the 2011-2012 year.<sup>4</sup> Each of the men took an extension year, which does not count towards probationary service.<sup>5</sup> The men were reviewed for tenure in the 2016-2017 year, which was during their fifth year of probationary service, and they each had at least six years in rank at UT Austin at the end of the year.<sup>6</sup> Dr. Nikolova started her probationary service in the 2014-2015 year, took an extension year, and was considered for tenure in the 2018-2019 year. When she was considered for tenure, Dr. Nikolova was in her fourth year of probationary service, one less than any of the men, and, unlike any of the men, had fewer than six years in rank at UT Austin at the end of the year. Per the General Guidelines for Promotion and Tenure of All Faculty Ranks [UT Austin\_00735-0055], “Cases considered before the sixth year in rank are accelerated” and “An assistant professor must be reviewed no later than the sixth year of the probationary period.” Further, “A year in which a faculty member has ... claimed an extension in accordance with HOP 2-2020 does not count toward the probationary period.”<sup>7</sup> Thus, accelerated tenure depends on years in rank whereas the “up or out” year depends on the probationary period (as adjusted by any extension). In this group of four assistant professors, Dr.

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<sup>3</sup> See Thompson Report, par. 9. In addition, Dr. Thompson references a “Different Impact by Gender” for accelerated tenure reviews after probationary extensions, but he identifies no facially neutral policy that has this alleged impact.

<sup>4</sup> Probationary service does not include the first (spring) semester for faculty who begin an appointment midway through the academic year and does not include service at other institutions. See UT Austin\_00762-00763 and UT Austin\_00803-00807.

<sup>5</sup> See UT Austin\_00764-00765 and UT Austin\_00737.

<sup>6</sup> See UT Austin\_00762-00763.

<sup>7</sup> Also see UT Austin\_00762-00763.

Nikolova's "most obvious differentiating trait[s]" were, to borrow Dr. Thompson's phrase, her consideration for accelerated tenure as well as having one less year of probationary service. [Thompson Report, par. 23]

In the data Dr. Thompson received, there were 20 assistant professors who took an extension year and who were either considered for tenure or left UT Austin prior to being considered for tenure. Nine of these assistant professors were women and 11 were men. Eight of the women (88.9%) received tenure and were promoted to associate professor. Six of the 11 men (54.5%) received tenure and were promoted to associate professor. Four of the five men who were not promoted left UT Austin before being considered for tenure. Thus, six of the seven men (85.7%) considered for tenure were promoted. The only man in this group considered for but denied tenure was not considered for accelerated tenure.<sup>8</sup> Dr. Nikolova was the only woman in this group not to receive tenure (yet), but she was the only person considered for accelerated tenure and had at least one less year of probationary service. Again, the primary relevant distinguishing features of Dr. Nikolova's experience in this group are that she was the only person considered for accelerated tenure and had fewer years of probationary service. There is no evidence in these data for the faculty who took an extension year that gender played a role in the tenure outcomes.

#### Dr. Nikolova's Probability of Promotion: Committee Voting

Dr. Thompson concludes that Dr. Nikolova, "suffered a statistically unexplainable promotion denial." [Thompson Report, par. 12] This is based on his assessment of the relationship between votes by the department and/or college committees and promotion outcomes. The issue here is how the tenure decision compares to the recommendations from the department and college committees, particularly in those cases where the decision differs from a recommendation.<sup>9</sup> Table 2 examines this directly by comparing these differences for women and men.

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<sup>8</sup> This person, ID wg2589, was given a terminal appointment for the 2015-2016 year and left UT Austin effective August 31, 2016.

<sup>9</sup> In addition to the votes for and against recommending tenure, there are tabulations of absences, abstentions, and ineligible votes that make interpretation of the voting outcomes more complicated than the overall recommendation. Relying on vote counts also ignores any issues related to "follow-on" voting despite this being "not endorsed." See UT Austin\_00741.

The first pair of rows compares the outcomes for tenure decisions in the years prior to Dr. Nikolova's review.<sup>10</sup> There were 83 department recommendations for tenure, 20 women and 63 men.<sup>11</sup> Of these, 2 women (10.0%) and 7 men (11.1%) were denied tenure. There were 75 college recommendations for tenure, 17 women and 58 men. Of these, 1 woman (5.9%) and 4 men (6.9%) were denied tenure. There also were 9 college recommendations against tenure, 3 women and 6 men. Of these, 2 women (66.7%) and 2 men (33.3%) were granted tenure. None of these differences are statistically significant.<sup>12</sup> These comparisons provide no evidence that gender played a role in the tenure decision given the department or college recommendation. If anything, the decisions to grant tenure despite a "No" recommendation from the college favored women, but this is a small group (9) and the difference is not statistically significant.

The remaining two pairs of rows in Table 2 provide the analogous comparisons for all of the tenure decisions excluding Dr. Nikolova's and then for all of the tenure decisions including hers.<sup>13</sup> Again, none of the differences are statistically significant. These comparisons also provide no evidence that gender played a role in the tenure decision given the department or college recommendation.

Although this case is about tenure, Dr. Thompson does not directly examine the relationship between gender and being granted tenure. I do. Table 3 compares all of the tenure decisions by gender. The first comparison is for tenure decisions prior to 2018-2019. UT Austin granted tenure to 18 of 21 women (85.7%) and 56 of 66 men (84.8%).<sup>14</sup> The second comparison includes all of the decisions except for Dr. Nikolova's review. For this group, UT Austin granted tenure to 22 of

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<sup>10</sup> This population includes 1 assistant professor who was granted tenure September 1, 2009 but was excluded from Dr. Thompson's analysis. This additional case, initials PW, was present on the "Engineering assist profs" tab of the Probationary, Tenure Data.xlsx file, but was not on the "Engineering tenure decisions" tab of that file.

<sup>11</sup> There were four department recommendations against tenure and all four were denied tenure.

<sup>12</sup> In the social sciences, statistical significance typically means that the chances of the observed data occurring if there were in fact no relationship with gender are no greater than 5%. This is roughly equivalent to a difference of "two standard deviations" between the observed data and the data expected from a gender-neutral process. The Supreme Court has indicated that a difference of "two or three standard deviations" would cast suspicion on the hypothesis of a gender-neutral process, see *Hazelwood Sch. Dist. v. United States*, 433 U.S. 299, 308 n.14 (1977).

<sup>13</sup> The rationale for analyzing all decisions except for Dr. Nikolova's is to assess whether there is a relationship with gender absent the tenure decision at issue.

<sup>14</sup> This population matches the group Dr. Thompson analyzes in his Table 1 plus the one additional tenure case referenced above in footnote 10.

25 women (88.0%) and 66 of 76 men (86.8%). Including Dr. Nikolova's case gives 22 of 26 women (84.6%) granted tenure. None of these differences are statistically significant and, as a result, these comparisons provide no evidence that gender is related to the tenure decision.

The last columns in Table 3 provide one additional comparison that includes all of the 102 cases where there was a tenure decision effective in 2009-2020 as well as 18 assistant professors (4 women and 14 men) who left UT Austin prior to being reviewed for tenure. The rationale for including assistant professors who left prior to tenure review is to assess whether there might be differences in tenure outcomes for the full population of assistant professors. If, say, women were more likely to be "pushed out" at the 3<sup>rd</sup>-year review this would not be apparent from looking only at the cases reviewed for tenure. In this expanded group, UT Austin granted tenure to 22 of 30 women (73.3%) and 66 of 90 men (73.3%). Thus, including those assistant professors who left for whatever reason prior to being reviewed for tenure, there is no evidence that gender is related to the tenure decision.

In sum, Dr. Thompson's flawed calculations and erroneous conclusions notwithstanding, the available data provide no statistical evidence that gender is related to tenure decisions in the Cockrell School of Engineering at UT Austin.

### **Dr. Glass' Calculations of Alleged Damages**

Dr. Glass provides calculations of alleged damages from the denial of tenure for three scenarios. His first scenario overstates any alleged damages, his second scenario is contrary to UT Austin policy, and the third scenario is "unlikely" by his own admission. I discuss the details of each below. In addition, Dr. Glass provides calculations of alleged damages from unequal pay. I also explain the flaws in these calculations that result in the overstatement of any alleged damages.

#### Dr. Glass' Scenario 1 – Dr. Nikolova is granted tenure on September 1, 2023

Dr. Glass calculates earnings losses for Dr. Nikolova to age 70, for which he provides no foundation, and which exceeds her estimated remaining work life. Dr. Glass also assumes that Dr. Nikolova's earnings never catch up to where they would have been had she received tenure on September 1, 2019, and, further, that the earnings loss actually grows over time. Dr. Glass does



not use current market interest rates to calculate discount rates. Each of these flaws results in an overstatement of Dr. Glass's calculations of alleged damages.

I adopt Dr. Glass's assumption that Dr. Nikolova will be tenured effective September 1, 2023.<sup>15</sup> Table 4 provides my calculation of the difference between the earnings Dr. Nikolova is projected to have received had she been tenured and promoted on September 1, 2019 and the earnings Dr. Nikolova is projected to receive if she is tenured and promoted on September 1, 2023. With this approach, I project the present value of the lost compensation from delayed tenure to be \$72,001.<sup>16</sup>

#### Dr. Glass' Scenario 2 – Dr. Nikolova continues in non-tenured position at UT Austin

Were Dr. Nikolova denied tenure in her projected "up or out" review, the General Guidelines for Promotion and Tenure state that she would receive a terminal appointment for the next year. [UT Austin\_00737] Further, even if Dr. Nikolova could continue at UT Austin after being denied tenure in 2023, it seems likely that her earnings would be higher from a tenured position at another university than from a non-tenured position at UT Austin.<sup>17</sup>

#### Dr. Glass' Scenario 3 – Dr. Nikolova leaves UT Austin August 31, 2023 and has zero earnings thereafter

In addition to being unlikely, as Dr. Glass admits [Glass Report, p. 2, fn 3], if Dr. Nikolova did not have *any* future earnings beyond August 31, 2023 that would presumably constitute a failure to mitigate her damages.

#### Dr. Glass' Alleged Calculation of Equal Pay Act Damages

In an attempt to estimate damages for an Equal Pay Act claim, Dr. Glass compares the

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<sup>15</sup> I also adopt Dr. Glass's academic-year based approach as well as his assumption that the employer contribution to retirement is 7.5%.

<sup>16</sup> I use 4.86% as the projected typical annual increase in salaries within rank and 16.35% for Dr. Nikolova's promotion increase based on the prior annual increases and promotion increases in salaries in the ECE department. I use market prices of U.S. Treasury Stripped Interest Payment securities downloaded from Fidelity.com on May 23, 2021 to calculate present values of future amounts. I project that Dr. Nikolova's earnings given tenure effective 9/1/2023 catch up to her projected earnings given tenure effective 9/1/2019 within three years, see U.S. Bureau of Labor Statistics, USDL-20-1620.

<sup>17</sup> Dr. Nikolova's failure to seek higher paying employment elsewhere would presumably constitute a failure to mitigate her damages.

compensation of Dr. Nikolova to the compensation of the two highest-paid assistant professors in the ECE department. He makes these comparisons for three years, 2017-2018, 2018-2019, and 2019-2020. One of these supposed comparators, Mohit Tiwari, was promoted to associate professor on September 1, 2019 and is thus no longer comparable to Dr. Nikolova. According to his report, which is in the form of a letter to Counsel for the Plaintiff, Dr. Glass states, “I have compared the 9-month salaries of Dr. Nikolova compared to the two colleagues that *you have identified* as being closely situated to Dr. Nikolova.” (emphasis added) Dr. Glass identifies no evidence that these two are similarly situated to Dr. Nikolova.

In Table 5, I provide an alternative comparison of Dr. Nikolova’s salary to the average salary of all male assistant professors in the ECE department. The comparisons to the average male salary ignore characteristics such as publications and their impact, research funding, teaching, and service that are likely to be related to salary. This information is not available, hence a salary comparison between Dr. Nikolova and a statistically “similarly situated” male assistant professor cannot be made. The difference between Dr. Nikolova’s salary and that of the average male assistant professor, including the same allowance for retirement contributions as Dr. Glass, totals \$13,155 for all three years and \$7,414 for the two most recent years.

**Table 1. Dr. Thompson's Claimed Probationary Extensions and Accelerated Tenure Review is Wrong**

<b>ID</b>	<b>Gender</b>	<b>Date Joined Faculty</b>	<b>Extension Year</b>	<b>First Prob. Year</b>	<b>Second Prob. Year</b>	<b>Third Prob. Year</b>	<b>Fourth Prob. Year</b>	<b>Fifth Prob. Year</b>	<b>Years in Rank</b>	<b>Accelerated Tenure Review?</b>
ns22375	Male	1/16/2011	2015	2011-2012	2012-2013	2013-2014	2014-2015	<b>2016-2017*,**</b>	6.5	<b>No</b>
ad32385	Male	7/1/2011	2014	2011-2012	2012-2013	2013-2014	<b>2015-2016*</b>	2016-2017**	6	<b>No</b>
vj239	Male	9/1/2011	2015	2011-2012	2012-2013	2013-2014	2014-2015	<b>2016-2017*,**</b>	6	<b>No</b>
Dr. Nikolova	Female	1/1/2014	2015	2014-2015	<b>2016-2017*</b>	2017-2018	2018-2019**		5.5	<b>Yes</b>

\* Previous year does not count for probationary period because of extension

\*\* Year considered for tenure

**Table 2. There is No Relationship between Gender and Tenure Decisions given Department or College Recommendations**

Population	Gender	Department Committee Recommends For Tenure			College Committee Recommends For Tenure			College Committee Recommends Against Tenure		
		Total	Denied	% Denied	Total	Denied	% Denied	Total	Granted	% Granted
			Tenure	Tenure		Tenure	Tenure		Tenure	Tenure
Decisions prior to 2018-2019	Women	20	2	10.0%	17	1	5.9%	3	2	66.7%
	Men	63	7	11.1%	58	4	6.9%	6	2	33.3%
All Decisions, except Dr. Nikolova	Women	24	2	8.3%	21	1	4.8%	3	2	66.7%
	Men	73	7	9.6%	68	4	5.9%	6	2	33.3%
All Decisions	Women	25	3	12.0%	22	2	9.1%	3	2	66.7%
	Men	73	7	9.6%	68	4	5.9%	6	2	33.3%

**Notes:**

- 1) There are a total of 102 cases for which the Department and College recommendations were provided, 87 of these were prior to 2018-2019.
- 2) The Department Committees recommended denying tenure in four cases, all prior to 2018-2019 and all were denied tenure.
- 3) The College Committee recommended a "Tie" in three cases, all prior to 2018-2019 and all were denied tenure.

**Table 3. There is No Relationship between Gender and Tenure Decisions**

Gender	Decisions prior to 2018-2019			All Decisions, except Dr. Nikolova			All Decisions			All Decisions + Those Who Left Prior to Tenure Review		
	% Granted			% Granted			% Granted			% Granted		
	Total	Tenured	Tenure	Total	Tenured	Tenure	Total	Tenured	Tenure	Total	Tenured	Tenure
Women	21	18	85.7%	25	22	88.0%	26	22	84.6%	30	22	73.3%
Men	66	56	84.8%	76	66	86.8%	76	66	86.8%	90	66	73.3%

**Table 4. Projected Compensation Loss from Delayed Tenure for Evdokia Nikolova**

Date of Tenure Denial	9/1/2019
Date of Tenure	9/1/2023
Employer Contribution to Retirement	7.5%

Expected Future Salaries as of:	9/1/2019	9/1/2023
Base Case: Tenured on 9/1/2019	\$129,500	\$149,314
Scenario 1: Tenured on 9/1/2023	\$114,639	\$146,665

Promotion increase	16.35%
Within-Rank Growth	4.86%
Catch-up growth	0.63%

Year Starting	Growth/ Expected	Base Case	Scenario 1	Loss	Retirement	Total Loss	Discount	Present
	Growth				Contribution		Factor	Value
9/1/2019		\$129,500	\$114,639	(\$14,861)	(\$1,115)	(\$15,976)	100.00%	(\$15,976)
9/1/2020	0.00%	\$129,500	\$114,639	(\$14,861)	(\$1,115)	(\$15,976)	100.00%	(\$15,976)
9/1/2021	4.86%	\$135,794	\$120,210	(\$15,583)	(\$1,169)	(\$16,752)	99.98%	(\$16,748)
9/1/2022	4.86%	\$142,393	\$126,053	(\$16,341)	(\$1,226)	(\$17,566)	99.76%	(\$17,524)
9/1/2023	4.86%	\$149,314	\$146,665	(\$2,649)	(\$199)	(\$2,847)	99.06%	(\$2,820)
9/1/2024	4.86%	\$156,570	\$154,713	(\$1,857)	(\$139)	(\$1,996)	97.75%	(\$1,951)
9/1/2025	4.86%	\$164,180	\$163,203	(\$977)	(\$73)	(\$1,050)	95.83%	(\$1,006)
9/1/2026	4.86%	\$172,159	\$172,159	\$0	\$0	\$0	93.55%	\$0
Total Lost Compensation								(\$72,001)

**Table 5. Difference in Compensation Between Evdokia Nikolova and the Average Compensation of Assistant Professors in ECE**

Employer Contribution to Retirement

7.5%

<b>Year Starting</b>	<b>Avg. for Male Asst. Profs.</b>	<b>Dr. Nikolova</b>	<b>Difference</b>	<b>Retirement Contribution</b>	<b>Total Loss</b>
9/1/2017	\$111,340	\$106,000	(\$5,340)	(\$401)	(\$5,741)
9/1/2018	\$115,030	\$111,300	(\$3,730)	(\$280)	(\$4,010)
9/1/2019	\$117,806	\$114,639	(\$3,167)	(\$238)	(\$3,405)
				<b>Total 2 years</b>	<b>(\$7,414)</b>
				<b>Total 3 years</b>	<b>(\$13,155)</b>

## **Appendix 1**





## Donald R. Deere, Ph.D.

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Donald R. Deere is a Senior Managing Director in the Bryan, Texas office of Welch Consulting. Dr. Deere's work has included statistical and economic analysis in cases involving claims of discrimination in employment, housing, transportation and insurance, in cases involving wage and hour violations, and in cases involving lost earnings or commercial damages. He also has conducted analyses of compensation practices for internal and OFCCP audit purposes. Dr. Deere has provided testimony in cases in both state and federal courts.

Dr. Deere has a Ph.D. in economics from the Massachusetts Institute of Technology. In 2007, Dr. Deere retired from the tenured faculty of the Department of Economics at Texas A&M University, where he taught courses in labor economics, economic principles and public finance. While at Texas A&M University, he also taught graduate statistics in, and was Associate Director of the George Bush School of Government and Public Service. Dr. Deere also is Senior Economist for Unicon Research Corporation, where he served as Vice President from 2001-2004. Dr. Deere's research has concentrated primarily on labor markets and public policy affecting wages and employment. His research has been published in numerous professional peer-reviewed journals, including the *American Economic Review*, the *Journal of Political Economy*, the *Quarterly Journal of Economics*, and the *Journal of Labor Economics*.

### PUBLICATIONS

"Analyzing Reductions in Force and Other Termination Decisions," with James E. Pearce in *Adverse Impact Analysis: Understanding Data, Statistics, and Risk*, edited by Scott B. Morris and Eric M. Dunleavy, Routledge Taylor & Francis Group, (2017): 239-257.

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"Sense and Nonsense on the Minimum Wage," with K. Murphy and F. Welch. *Regulation*, 18, no.1, (1995):47-56.



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College Station, Texas  
1983 – 1990

### PUBLICATIONS (continued)

“Home Equity: Texas Should Unlock This Asset,” The Dallas Morning News, April 23, 1995.

“Unionization and Profitability: Evidence of Spillover Effects,” with S.G. Bronars, Journal of Political Economy, (December 1994):1281-87.

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“A Study of Nonsubscription to the Texas Workers’ Compensation System: The Employee Perspective,” (July 1994) Texas Workers’ Compensation Research Center.

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“Union Organizing Activity, Firm Growth, and the Business Cycle,” with S.G. Bronars. American Economic Review, (March 1993):203-20.

“Unionization, Incomplete Contracting, and Capital Investment,” with S.G. Bronars. The Journal of Business, (January 1993):117-32.

Review of “Labor Unions and the Economic Performance of Firms,” Industrial and Labor Relations Review, (July 1993):732-33.

“Unemployment Insurance and Employment.” Journal of Labor Economics, (October 1991):307-24.

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“Union Representation Elections and Firm Profitability,” with S.G. Bronars. Industrial Relations, (Winter 1990):15-37.

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“Internal Labor Markets, Large Personnel Systems, and the Military.” Economics of Defense Manpower Conference Final Report, United States Air Force Academy, (June 1988).

“Bilateral Trading as an Efficient Auction Over Time.” Journal of Political Economy, (February 1988):100-15.

“Labor Turnover, Job-Specific Skills, and Efficiency in a Search Model.” Quarterly Journal of Economics, (November 1987):815-33.

### SELECTED WORKING PAPERS

“Plant Closings, Large Layoffs, and Advance Notice Provision,” with S.N. Wiggins.

“Tax Rates, Tax Complexity, and the Usage of Paid Tax Return Preparers,” with C. Wolfe.

“Subscription to Workers’ Compensation in Texas.”

“Heads I Win, Tails You Lose: The Economic Impact of the Texas Lottery on Demographic Groups,” with J. Dyer.



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DDeere@welchcon.com

### SELECTED WORKING PAPERS (continued)

"The Cross Sectional Impact of Unemployment Insurance on Layoffs, Employment, and Wages," with J.A. Miron.

"Part-Time Employment," with S.G. Bronars.

"Union Organizing Activity and Union Membership 1973-1988," with S.G. Bronars.

"Union Membership, Union Organizing Activity, and the Union Wage Differential 1973-1988," with S.G. Bronars.

"Competitive Incentives: School Accountability and Student Outcomes in Texas," with W.E. Strayer.

"Climbing the Economic Ladder," with A.J. Rettenmaier.

### HONORS AND AWARDS

#### Fellowships:

National Science Foundation Graduate Fellowship.  
Rotary Foundation Graduate Fellowship.  
Sloan Foundation Dissertation Research Fellowship.

#### Research Grants/Contracts:

Grant from the Smith Richardson Foundation, "Social Security, Wages and Retirement," 1995.

Four Contracts with the Texas Workers' Compensation Research Center, "Nonsubscription to the Texas Workers' Compensation System," 1992-1995.

Grant from the Texas Advanced Research Program, "Unionization, Profitability, and Firm Behavior," 1988.

Grant from the U.S. Department of Health and Human Services, "Demand Variability, Structural Changes in the Labor Market and the Growth of Part-Time Employment," with S.G. Bronars, 1984.

#### Peer Review:

##### Professional Journals:

American Economic Review  
Journal of Political Economy  
Quarterly Journal of Economics  
Journal of Labor Economics  
Review of Economic Studies  
Rand Journal of Economics  
Review of Economics and Statistics  
Economic Journal  
Industrial Relations  
Economic Inquiry  
Industrial and Labor Relations Review  
Industrial Relations  
Journal of Labor Research

##### Grants Competition:

National Science Foundation

### ABOUT WELCH CONSULTING

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## **Appendix 2**

**Testimony Given in Last 4 Years by Donald Deere**

AJP Oil Company, LLC, D/B/A Grapeland Fuel and BBQ v. Velvin Oil Company, Inc.

Trial Testimony: 06/05/19

Deposition: 07/12/16

In the 3<sup>rd</sup> District Court of Houston County, Texas

Civil Action No. 14-0217

State of Texas, et al., vs. United States of America, et al., and Karla Perez, et al.

Deposition: 06/28/18

In the United States District Court for the Southern District of Texas Brownsville  
Division

Case No. 1:18-CV-68

## **Appendix 3**

### Documents Considered

20201110\_BD Letter to RS, RN.pdf  
AsstProf\_ECE\_FacultySalaries (2013-20).xlsx  
Probationary, Tenure Data.xlsx  
19-20 ECE FAC Merit FINAL.xlsx  
20-21 ECE FAC Merit Final.XLSX  
DOC\_0001667.xlsx  
DOC\_0003618.xlsx  
UT Austin\_0007422.pdf  
UT Austin\_0007784.pdf  
UT Austin\_0007981.pdf  
20210129\_Ps ROG Ans.pdf  
DOC\_0002632.xlsx  
Email to Glass from opposing counsel.pdf  
P001912 - P001924\_Redacted.pdf  
Pages from Fifth Circuit Pattern Jury Instructions 2020 civil.pdf  
Sellers v Delgado College.doc  
UT Austin\_0007422 Salary Info Other Top Schools.xlsx  
UT Austin\_0007981 Salary Info through 2019.xlsx  
UT Austin\_0026887.xlsx  
UT Austin\_0027055.xlsx  
Deposition Transcript Wood, Sharon L - condensed  
SW031821 Exhibit 1, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 2, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 3, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 4, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 5, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 6, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 7, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 8, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 10, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 10, Wood, Sharon L, Ph.D., P.E. - 03-18-21.xls  
SW031821 Exhibit 11, Wood, Sharon L, Ph.D., P.E. - 03-18-21.pdf  
SW031821 Exhibit 11, Wood, Sharon L, Ph.D., P.E. - 03-18-21.xlsx  
SW031821\_EX09.pdf  
Deposition Transcript of Ahmed Tewfik - condensed  
20200702\_021.0\_Ps 1st Am Cmplnt.pdf  
20201218\_033.0\_Ds Ans to 1st Am Cmplnt.pdf  
20210129\_Ps ROG Ans.pdf  
20210420\_34.0\_Ps Designation of Testifying Expert Witness (002).pdf  
Exhibit A - Tom Glass report.pdf  
Exhibit B - Peter Glick report.pdf  
Exhibit C - Shane Thompson report.pdf  
Exhibit D - Attorneys.pdf  
Nikolova\_Thompson Report\_20210419 Revised.pdf

UT Austin\_00735-55 Prom and Tenure.pdf

UT Austin\_00756-810 HOPs and RRs.pdf

Recommendation for Change in Academic Rank/Status for Preston S. Wilson dated 9/5/2008.

Fidelity\_FixedIncome\_SearchResults downloaded from Fidelity.com May 23, 2021

(<https://fixedincome.fidelity.com/ftgw/fi/FILanding#tbindividual-bonds|treasury>)

Worker Displacement News Release USDL-20-2610 downloaded from

<https://www.bls.gov/bls/newsrels.htm#OEUS>

Skoog, Gary R., James E. Ciecka and Kurt V. Krueger, "The Markov Process Model of Labor Force Activity: Extended Tables of Central Tendency, Shape, Percentile Points, and Bootstrap Standard Errors," *Journal of Forensic Economics* 22(2), 2011, pp.165-229